without law; and in some instances even contrary to law; for this is in fact the true view of the subject It is not so much a case between the civil and military power, as between the former and the constitution and laws of the country. The civil power is indeed no otherwise entitled to respect than as being the established constitutional organ for carrying these into effect. So long as the military, or any other species of power aids it in executing them, the act is meritorious. It is only when it opposes itself to rights or benefits guaranteed by the constitution or laws, that it becomes reprehensible.

Let us then suppose a case, which indeed federalists have not many years since sounded in our ears not merely as possible, but as probable—the case of a sudden and alarming invasion by a foreign enemy. Among the wise instruments of defence devised by republican policy is an overflowing treasury. With five millions at the disposal of the government, without any *particular* objects calling for its disbursement, it has been justly believed that we would be enabled on any emergency to present a bold front to the enemy. Let it, however, be recollected that this sum remains entirely unappropriated to any particular object. Suppose, then, the invading army to be on our shores, and the loudest call consequently made upon the federal government, to protect the country from desolation. The constitution makes it the duty of the President to defend the country, and vests him with full authority in the very case referred to. This, however, could not be done to any effect, without money; and in such a case as this without a very large sum of money. On this point the constitution holds a different language. It expressly prohibits the expenditure of a single dollar unless previously appropriated by law. Suppose Congress not to be in session. The invading enemy surely could not be expected to wait until they should be regularly convened, to call out the national strength. What would the President do in the mean time? Would he permit the enemy to advance, without an effort to check them? Would he bid the good people of the United States to fall back at their approach when he had the means within his reach to arrest if not destroy them? Would he wait till the tardy forms of legislation should have legalised to his use the millions in the exchequer? No—Instead of this, if he did his duty, he would take them without a scruple, and expend them in embodying and furnishing a competent force to defend the country. Not doing this, however unconstitutional and illegal, he would not do his duty. He would omit doing that for which he ought to be, and would be impeached, and ejected from offence, amidst the frowns and indignation of an incensed nation. Here then is a clear, decisive, indisputable instance in which the force of necessity rejects all restraint, and in which the *salus populicst suprema lex*, the constitution and laws to the contrary notwithstanding.

Cases some what analogous, or even of greater strength, may be imagined.—The executive magistrate, for instance, if there were not unappropriated millions enough in the treasury, would not hesitate on his own responsibility to borrow them; or if that could not be done, to divert from the purposes to which they were applied by law sufficient sums to meet the emergency; and in case all these resources failed to seize by violence the property of individuals; for which he could not fail to receive the thanks of his country.

There can be no doubt, then, that cases may occur in which violations of the constitution and laws will not only be venial; but in which it will be the duty of the executive to commit them. Arduous as the performance of such duties may be, it is the duty of an executive duly sensible of the high functions attached to his station, fearlessly to discharge them. Well aware that constitutions and laws, however deliberately framed, can never be so perfect as to provide for all possible emergencies, he will not hesitate, if the good of his country is his supreme motive, to discharge such duties, however perilous it may be to him. The patriot, who in ordinary and tranquil times, would not for any consideration under heaven, step beyond the orbit of power assigned him, will be the foremost and the most resolute to take upon himself every responsibility that in periods of danger his station requires. He will not for a moment believe in the possible injustice of his country; but even if he should doubt on this score, he will obey the dictates of his conscience at any risque.

How far do these principles apply to the recent transactions at Orleans?—This enquiry is reserved for our next paper. (TO BE CONTINUED.)

From the National Intelligencer.

If a stranger should come among us, who was altogether unacquainted with the existing political state of the world, and particularly with that of the United States, what would be his impressions from reading the federal prints?

1. he would believe that under the name of a free republican government, we had the worst species of despotism that ever existed. He would infer that none of the great privileges, for which men of independent and generous minds have so often risqued their all, were enjoyed; that freedom of opinion was not tolerated, that freedom of conscience was proscribed, that the freedom of the press was in chains. It is true that the free strictures passed upon public measures, and the vehement denunciations levelled at public men would lead him to hesitate in embracing this last opinion—but the reiteration of the assertion would compel him to *believe* at whatever sacrifice of his reasoning faculties.

2. He would believe that freedom of pursuit the next dearest attribute of an independent mind, was absolutely interdicted, and that the government, by dealing out its protecting power, so encouraged some branches of industry as to embarrass and crush others.

3. He would more especially believe that commerce was in the most ignoble fetters, and that the merchants were consequently among the poorest lowest, and least respectable classes of the community.

4. He would believe the whole nation to be in a retrograde course towards poverty and debasement.

5. He would believe that industry was paralised, agriculture unproductive, and manufactures at a stand

6. He would believe the people oppressed with taxes, and suffering under the most oppressive burthens.

7. He would believe those in government of the lowest, order of mankind, and totally incapable of conducting the public affairs.

8. He would infer that the mind of the American was sunk into apathy and ignorance, and that knowledge was his contempt instead of his ambition.

9. He would believe that the American nation and government were held in contempt throughout the whole civilised world.

And he would naturally exclaim "miserable people for whom nature and a kind Providence have done every thing—but who have done nothing for yourselves! Thy glory is extinguished.—In infancy thou feelest the decrepitude of age. Better had it been for thee and the human race, hadst thou never asserted an independence thou knowest not how to maintain."

But what would the astonishment of our moralising stranger, be, on employing his own sense and judging for himself from indisputable facts and observations, to find—

1. That every man, from the highest to the lowest, was permitted to enjoy an unlimitted freedom of opinion, political as well as religious, and that the press was suffered, with impunity, not merely to utter the truth, but to propagate the most flagrant untruths, to declare public measures to have been taken which never were adopted, to ascribe motives to public men which never influenced them, and not satisfied with this, to attack their private lives with the basest calumnies. What would be his astonishment to find, although the first magistrate possessed a private character without a stain, that this *enslaved* organ had tortured ingenuity to multiply and aggravate the number and degree of vices ascribed to him? Would not his astonishment be extreme to hear, that notwithstanding the atrocity of these calumnies and the almost universal reverence entertained for the character of the chief magistrate, and notwithstanding the existence of laws fully competent to the punishment of calumniators, not a single prosecution had been instituted by him or his friends.

2. What would be his astonishment to learn that freedom of pursuit was not only exempt from any positive restraint, but that it was absolutely protected and guaranteed by habits and institutions unknown to any other nation—that there is not a single legalised monopoly—that there are no entailed estates—that there are no established orders—that the road to office is equally open to all—that every useful occupation of life is held in estimation—that there is no preference whatever give to one pursuit over another, and that such preference is actually prohibited by the letter and spirit of our institutions.

3. What would be his astonishment to find that trade was almost as free as air, that the field of enterprize at home as well as abroad was almost entirely unrestricted, that it was in a state of prosperity without a precedent, that no people so young had ever been so commercial, and that the merchants, instead of being the poorest, the lowest and the least respectable class in the community, were unquestionably for their numbers, the richest, and that they lived in a style of elevation and enjoyment unknown to any other part of the nation, enjoying the best tables, living in the largest houses, the most splendidly furnished, keeping their carriages, and retiring in the summer to their gay villas, and living there with even more elegance than in town? Would he not almost disbelieve his sense, when, partaking of their cheer, and surrounded by all the delicacies of the season, and the more costly luxuries of the foreign world, he heard these men, instead of expressing their gratitude, cursing the chief magistrate of their country, holding their country itself up to scorn, and bewailing their unfortunate and depraved condition.—Having his eyes in some measure opened by this strange exhibition, what would be his serprize on appealing to official documents, to find—

That in a period of 20 years the population had increased from 2,650,000 to 5,156,000.

That the dwelling houses had in the same period encreased from 650,000 to 1,225,000,

That the improved lands had risen from 21,500,000 to 39,400,000 acres.

That the average price per acre had risen from two to six dollars.

That the number of horses had increased from 600,000 to 1,200,000; and the horned cattle from 1,200,000 to 2,950,000.

That the merchant vessels had increased from 250,000 *tons to* 1,107,000.

That the imports had risen from eleven to eighty millions of dollars.

That the exports of domestic production had increased from nine to forty-one millions.

And the exports of foreign goods from one to thirty six millions.

That the national revenues had increased in a period of twelve years from eight to thirteen millions of dollars—while the expenditures, making an allowance for the extinguishment of the principal of the debt, have been nearly stationary.

That the specie in circulation has risen in a period of twenty years from ten to seventeen millions.

Would he not on imbibing such information, indignantly shun the society of men, so lost to character, so lost to truth, so lost to patriotism, so lost to every honorable feeling? And would he not, freed from this contagion, acknowledge, no matter what country gave him birth, that the existing situation of the United States presents the most illustrious commentary on the principles of the republican system, and demonstration of its superiority to all others. Would he not have the magnanimity to admit that in no other country has there been such a rapid progress to wealth and power, such an astonishing advance in the products of agriculture and the extension of commerce.

4. As to oppressive burthens a single glance at the annual official statements, would shew him that in amount the taxes are infinitely lighter than those of any other nation, and that in their actual operation they are, from their nature, scarcely felt—for being equal and impartial, and collected at a very inconsiderable expence, they by no means press on each individual to the amount he pays, or take so much money from his pocket, but are in fact virtually reduced to an amount comparatively small, by every man actually charging them, to a considerable degree, in the price fixed by him upon his labor. It is for this reason that there is no country under heaven in which the taxes are so unoppressive.

5. After contemplating these effects, after passing through the country and behoiding an unbroken prosperity from one end of it to the other, and more than all after looking back upon a period in which the whole civilised world has been in convulsion, and this nation alone exempt from her calamities of war, and in the undisturbed enjoyment of peace, although often threatened by the conduct of the most formidable powers of Europe, would he not acknowledge those at the head of our affairs at least as capable of guiding the helm of state as any of the administrations of Europe? Would he not go further, and judging of the actions of men by their effects, which in a period of any tolerable length is a correct criterion, however unjust in a single case, allow that the American government had pursued a more enlightened policy than any other government on earth, and was consequently composed of men possessed either of greater virtue or greater talent than any other country could during the same time boast? He would not, with the federalists, ascribe every thing to chance, but judging with an impartial eye, he would have but two alternatives—He would either believe the American government the most enlightened on earth, or the American people the most virtuous and best informed. Without acknowledging one or both of these propositions, every thing around him would appear miraculous.

6. Studying the character, and contemplating the pursuits of the respective classes of the Americans, he would perceive an activity and enterprize never at rest, that by daring every thing overcame all obstacles, that with equal ease and success struck the harpoon into the whale, cultivated the earth, pursued the mechanical arts, filled with honor the learned professions, or discharged the more arduous functions of government; talents which imply no inconsiderable share of natural sagacity, and require a large share of acquired knowledge. Would he not be forced to acknowledge, on contemplating this picture, that apathy was unknown, and that an universal and almost insatiable thirst for knowledge pervaded all ranks.

7. Finally, he would be induced to ask himself this question: Can it be that a nation which marches with such unprecedented strides to numbers, to wealth and to power, by developing her solid resources, of which nothing can deprive her, which has maintained peace while the whole surrounding world has been in arms, which has added to her original territory a country of perhaps superior extent without drawing the sword, or causing the infelicity of a single individual, which has in no instance violated the rights of others, or sacrificed her own—can it be that such a nation is held in contempt throughout the whole civilised world? If this be true, what else does it prove but that the whole civilised world is destitute of honor and principle, and that consequently to be despised by such a world, instead of being disgraceful, is in the highest degree honorable. But he would deny the fact. How, he would say, can this be the case, when we behold this very civilised world paying more respect to the rights of America than to those of any other nation? It is true her rights are frequently trampled upon; but comparing the aggressions committed on her with those committed on the powers of Europe, we behold only the traces of the hare compared with those of the Elephant.

Would he not, acknowledging his deception, exclaim—"Happy people, who although you have received the most prodigal favors from nature, have not relaxed your own exertions, but who have greatly to your honor, felt the one as the strongest excitement to the other. Your name is on the roll of fame. Though young, you advance with the steps of manhood. Maintain, as you hitherto have done, the independence you so gloriously acquired, and the world will pronounce you its best, its most illustrious benefactor."

The Senate of New York have adopted the following address.

To THOMAS JEFFERSON, President of the United States.

SIR,

The Legislature of the state of New York, sensible of the benefits derived from your past services and anticipating the importance of your future exertions to promote the happiness of your country, feel a peculiar pleasure in expressing their approbation of your conduct in the execution of the arduous duties devolved on the chief Executive of the nation.

Under your administration our liberties have been maintained, our rights protected and our independence preserved inviolate. Amidst the wars and tumults of a troubled world, the American name and character have acquired respectability among foreign nations, by the moderation, impartiality and wisdom of your measures, in preferring amicable negociation to unnecessary warfare, in purchasing territories which might have been conquered, and in distributing equal justice to the weak, and the powerful, the savage and the civilized powers.

The natural tendency of civil government to extravagance and oppression, has been happily counteracted by the establishment of a system of economy in public expenditures and by the abolition of useless offices and employments.—Our public debt, which was absorbing the revenues of the nation, and leading rapidly to heavy taxation and the impoverishment of the people, has been greatly diminished. The principles of our revolution and the principles of our constitution have been restored and supported by your administration. The agriculture, the commerce, the manufactures and the population of the country have increased and flourished beyond all former example, and the blessings of prosperity have been felt in every part of the union, and by all descriptions of our citizens. The murmurs of opposition to a system of wise measures calculated to produce peace at home and ensure respect abroad, have been silenced not by the strong arm of power, but by the authority of reason and the force of truth. When, sir, we perceive these inestimable blessings and consider your distinguished agency in producing them, we cannot refrain from indulging an ardent wish that our country may retain the aid of those talents and that patriotism to which under the smiles of Providence we are so greatly indebted. Under these impressions we sincerely hope that you may feel disposed to accord with the general wish of your fellow-citizens, by again consenting to be a candidate for the greatest honor which a nation of free men can bestow, and a friend of freedom can receive, and we are firmly persuaded that you will be supported with zeal by every enlightened friend of the liberty, and prosperity of the United States.

Wanted immediately,

AN APPRENTICE to the *Mercantil Business*, about 15 years of age.—One of a good family, who can write a good hand and understands figures well. Apply to the subscriber, living at Queen's Town.

GERALD COURSEY.

December 23, 1806. 8t

(BY AUTHORITY.)

AN ACT

Further supplementary to the act entituled "An act concerning the district of Columbia."

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That so much of the act entituled, "An act additional to, and amendatory of an act entitled, an act concerning the district of Columbia, as directs that no *capias ad satisfaciendum* shall thereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be and the same is hereby repealed, and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That such writs of *capias ad satisfaciendum* shall be issued, directed and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act herein before recited directs and allows in cases of execution sgainst the goods and chattles of the debtor.

SEC. 3. *And be it further enacted,* That the eighth section of the aforesaid act shall be and the same is hereby also repealed.

NATHL. MACON,
Speaker of the House of Representatives.
GEO: CLINTON,
Vice-President of the United States, and President of the Senate.
February 24, 1807.
APPROVED,
TH: JEFFERSON.

AN ACT

Respecting seizures made under the authority of the United States and for other purposes.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under, any act of Congress authorizing seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof; and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action suit or judgement on account of seizure and prosecution—Provided, That the ship or vessel, goods, wares, or merchandise be, after judgement forth-with returned to such claimant or claimants, his her, or their agent or agents.

SEC. 2. *And be it further enacted,* That the accounting officers of the treasury be, and they are hereby authorized and directed to allow to the collector of New-York, in the settlement of his accounts, the amount of damages and costs recovered from and paid by him, by virtue of judgments tendered in the supreme court of the state of New-York, on accounts of the seizure of the ship Liberty, and of the ship Two Marys; which vessels had been seized and libelled for a presumed infraction of the provisions of the act entitled, "An act concerning the registering and recording of ships or vessels."

NATHL. MACON,
Speaker of the House of Representatives.
GEO: CLINTON,
Vice-President of the United States, and President of the Senate.
February 24, 1807.
APPROVED.
TH: JEFFERSON.

List of Letters

Remaining in the Post-Office, Easton, March 31, 1807.

THOMAS ABBOTT, Henry Acamore, William Allen. B. Rachel Brown, James Bruscup, Mrs. Susan G. Bordley, Elizabeth Bailey, Fanney Baker, Thomas Bell, William Berry, Matthias Bordley, William Barnett, John Bruff, Charlotte B. Bowie. C. John Counsell, Mrs. Colston, Sarah Cockayne, capt. Thos. Clanding, Thos. Cook, rev'd John M'Claskey, James Cockayne. D. William Dawson, (2) William Dunn, Ann Diggins. E. Samuel Elbert, Henry D. Elbert (2) F. Henney Freeman, (2) G. Miss M. A. T. Goldsborough. H. Thomas Hardcastle, B. Hooper, Jonathan Harris. K. Cowel Kirby, Miss Celey Kinnamon, N. Kollock. L. William Lane (2) Mary Lambden, Thomas Leonard, Hannah Lowe, John Lucas, 3d. M. Edward Markland, Michael Mackey. N. Edward Newman, Edward Needles, John Nabb. P. James Price (3) Michael Pinkind, Geo. Plummer, R. Charles Rigby, junr. S. Levin Spedden, Eliza M. Stevens, William Sherwood (2) Benj. Seaward, Samuel Sherwood, John Singleton, T. John Tillotson, Miss Maria Tilghman. V. Samuel Vickers. W. Stephen White, Robt. Wilson, Geo. Welsh, Thomas Wing, Mary Wilson, Southey Willington, Joshua Williams, Dr. Bayliss Wilson.